

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Plaintiff,

Crim. No. 10-95 (RHK/FLN)

ORDER

v.

Troy David Chaika,

Defendant.

Having considered the parties' arguments on their Motions in Limine, for the reasons set forth below and for the reasons stated on the record at the January 28, 2011, hearing on these Motions, **IT IS ORDERED:**

1. The Government's Motion in Limine to Preclude Impeachment with Certain Convictions (Doc. No. 36) is **GRANTED**. The Defendant shall not impeach LaFavre with evidence of his criminal sexual conduct felony. With respect to use of Dvorschek's convictions, the Motion is also **GRANTED**, subject to reconsideration based on any further submissions by Defendant, as discussed at the hearing;

2. Defendant's Motion in Limine to Admit Evidence of Prior Conviction (Doc. No. 38) is **DENIED**;

3. Defendant's Motion in Limine to Preclude Expert Testimony (Doc. No. 39) is **DENIED**. The Government will be allowed to present expert testimony, subject to the limitations discussed on the Record;

4. Defendant's Motion in Limine to Preclude Use of Term "Mortgage Fraud"

(Doc. No. 40) is **DENIED IN PART**. The Government shall be allowed to use the phrase, but it shall not suggest to the jury that there is a federal crime of "mortgage fraud," and a limiting instruction to that effect will be given; and

5. Defendant's Motion in Limine Regarding Rule 404 Evidence (Doc. No. 41)

is **DENIED AS MOOT**, since the Government does not presently intend to offer any Rule 404 evidence.

Dated: February 1, 2011

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge